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EXAMINER

HAMZA, FARUK

ART UNIT	PAPER NUMBER
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2155

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/029,173

Applicant(s)

WATSON ET AL.

Examiner

Faruk Hamza

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-8, 23 and 25-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-8, 23 and 25-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

Response to Amendment

1. This action is responsive to the amendment filed on January 12, 2007.
Claims 6 and 5 have been amended. Claims 31 and 32 have been newly added.
Claims 6-8,23 and 25-32 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 6,23,25,27 and 29-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Medvinsky (U.S. Patent Number 6,754,908) hereinafter referred as Medvinsky.

Medvinsky teaches the invention as claimed including methods for detecting modifications to information within a content receiver. A content provider generates a message. The message is sent to the content receiver by way of network. The content receiver gets the message from the network. The content provider detects any unauthorized modification to the content receiver (See abstract).

As to claim 6, Medvinsky teaches a method for communicating with a remote set top box (STB) comprising the step of:

receiving at a location remote from the STB a first item of information related to parameter settings associated with the STB from the STB (abstract, Column 1, lines 54-Column 2, lines 14, Column 7, lines 32-Column 8, lines 67, Medvinsky discloses server receiving system state information associated with STB, parameter settings claim language is broad. System state information is broadly interpreted to be parameter settings associated to STB); and

comparing at the first location remote from the STB the first item of information with a second item of information, the second item of information being related to parameter settings expected to be associated with the STB

(abstract, Column 1, lines 54-Column 2, lines 14, Column 7, lines 32-Column 8, lines 67, Medvinsky discloses comparing received information from STB with expected information); and

based on a result of the comparing, communicating an instruction involving the parameter settings from the first location remote from the STB to the STB (abstract, Column 1, lines 54-Column 2, lines 14, Column 7, lines 32-Column 8, lines 67, Medvinsky discloses communicating instruction based on comparing result).

As to claim 25, Medvinsky teaches a computer readable medium having encoded instructions that causes at least one computer to:

receive a first item of information from a set top box (STB), wherein the first item of information relates to resources associated with the STB (abstract, Column 1, lines 54-Column 2, lines 14, Column 7, lines 32-Column 8, lines 67, Medvinsky discloses server receiving system state information associated with STB, parameter settings claim language is broad. System state information is broadly interpreted to be parameter settings associated to STB);

retrieve a second item of information from a database spaced from the STB, wherein the second item of information relates to an expected configuration of the STB (abstract, Column 1, lines 54-Column 2, lines 14, Column 7, lines 32-Column 8, lines 67, Medvinsky discloses determining if there are any error or improper operation in STB);

compare the first item of information with the second item of information; and send an STB instruction to the STB wherein the instruction is adapted to perform a function on the STB that is related to the resources (abstract, Column 1, lines 54-Column 2, lines 14, Column 7, lines 32-Column 8, lines 67, Medvinsky discloses comparing received information from STB with expected information).

As to claim 23, Medvinsky teaches the method of claim 6, wherein the STB is integrated into a television (Column 11, lines 62-65).

As to claim 27, Medvinsky teaches the computer readable medium according to claim 25, wherein the encoded instructions further cause the STB instructions to be sent to a remote resource manager of the STB and wherein the encoded instructions further cause the remote resource manager to detect the resources and send the first item of information (abstract, Column 1, lines 54-Column 2, lines 14).

As to claim 29, Medvinsky teaches the computer readable medium of claim 25, wherein the STB is integrated into a television (Column 11, lines 62-65).

As to claim 30, Medvinsky teaches the computer readable medium of claim 25, wherein the STB instructions provide for at least one of enabling a

resource of the STB related to the first item of information, disabling a resource of the STB related to the first item of information, including authorization keys related to the first item of information, and causing the STB to diagnose a problem of the STB related to the first item of information (abstract, Column 1, lines 54-Column 2, lines 14, Column 7, lines 32-Column 8, lines 67).

As to claim 31, Medvinsky teaches the method of claim 6 wherein the service comprises audio and video content playback (Column 3, lines 3-13).

As to claim 32, Medvinsky teaches the computer readable medium of claim 25, wherein the service comprises audio and video content playback (Column 3, lines 3-13).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Medvinsky as applied above, and further in view of Nobakht et al. (U.S. Patent Number 7,111,051) hereinafter referred as Nobakht.

Medvinsky teaches the invention substantially as claimed including methods for detecting modifications to information within a content receiver. A content provider generates a message. The message is sent to the content receiver by way of network. The content receiver gets the message from the network. The content provider detects any unauthorized modification to the content receiver (See abstract).

As to claim 7, Medvinsky teaches the method according to claim 6, Medvinsky does not explicitly teach the claim limitation of receiving information remote from the STB from a database.

However, Nobakht teaches the claim limitation of receiving information remote from the STB from a database (Fig. 1, Column 7, lines 1-20).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify Medvinsky by adding functionality for receiving information remote from the STB from a database, which will allow the system to store videos. One would be motivated to do such to enhance system's usability.

Claim 26 does not define or teach any new limitation other than above claim 7. Therefore, rejected for similar reasons.

5. Claims 8 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Medvinsky as applied above, and further in view of Moroney (U.S. Patent Number 6,532,593) hereinafter referred as Moroney.

Medvinsky teaches the invention substantially as claimed including an open cable set top box diagnosing system in which a point of deployment, separated from a main circuit unit (See abstract).

As to claim 8, Medvinsky teaches the method according to claim 6

Medvinsky does not explicitly teach the claim limitation of fixed disc drive of STB.

However, Moroney teaches the claim limitation of fixed disc drive of STB.

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify Medvinsky by adding hard disc of STB, which will allow the system to store videos. One would be motivated to do such to enhance system's usability.

As to claim 28, Medvinsky teaches the computer readable medium of claim 25.

Medvinsky does not explicitly teach claim limitation of determining resource capacity of STB.

However, Moroney teaches claim limitation of determining resource capacity of STB (Column 5, lines 34-56).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify Medvinsky by adding functionality for determining resource capacity of STB, which will allow the users to know system's capability. One would be motivated to do such to enhance system's usability.

6. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context.

Response to Arguments

7. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll -free).

Faruk Hamza

Patent Examiner

Group Art Unite 2155



SALEH NAJJAR
SUPERVISORY PATENT EXAMINER